

REMARKS

Favorable reconsideration of this application in light of the preceding amendments and the following remarks is respectfully requested.

Claims 52-54 having added and claim 50 having been canceled, the Applicants respectfully submit that claims 35-46, 48, 49 and 51-54 are properly under consideration in this application.

Support for the amendment to claim 49 reflected above may be found in claim 50.

Rejections under 35 U.S.C. § 103

Claims 35 and 40 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kazunobu's Publication JP 06-007135 ("Kazunobu") in view of Voisin's U.S. Patent No. 6,217,435 ("Voisin"). The Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants note, as did the Examiner, Action at 2, that Kazunobu is silent as to the adiabatic properties of the carrier. The Applicants agree that Voisin states:

During experimental tests, it was determined that treatment of the product at hydrostatic pressure of 50,000 p.s.i. for 5 minutes achieved the desired result with all of the treated shellfish. It is envisioned, however, that under certain conditions, the shellfish can be treated at even higher or lower pressures. The increase in temperature during the treatment was minimal, about 3° C. per 14,500 p.s.i.; it did not depend on the size of the processed product. The temperature decreased as soon as the pressure application was terminated.

Voisin, col. 5, lines 43-52. Based on this disclosure, the Examiner apparently concludes that 1) Voisin's steel or stainless steel carrier has "sufficiently high adiabatic heating properties," and that 2) the similarity in carrier materials used by Kazunobu and Voisin means that Kazunobu must also have "substantially high adiabatic heating properties" as recited in the pending claims.

The Applicants contend that the Examiner's conclusions are not supported by the cited portions of the applied references. First, the Applicants contend that the temperature increase referenced in Voisin relates to the temperature of the *treated product* (*i.e.*, the shellfish) and not to the steel carrier. Indeed, the Applicants contend that Voisin is silent as to temperature changes experienced by the steel carrier. Second, the Applicants note that the adiabatic heating properties of steel are very low and contend that steel having adiabatic heating properties of about 3° C. per 14,500 psi has yet to be invented. Should the Examiner believe that such steel is available, the Applicants request an unambiguous citation to the properties of steel be provided to support such a claim.

The Applicants maintain, therefore, that no teaching or suggestion has yet been identified in Voisin or any other applied reference with regard to a product carrier insulated with a material having substantially high adiabatic heating properties. Accordingly, the Applicants submit that claims 35 and 40 are allowable over proposed combination of Kazunobu and Voisin and request that this rejection be reconsidered and withdrawn accordingly.

Claims 36-39 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kazunobu in view of Voisin and further in view of Meyer's U.S. Patent No. 6,177,115 ("Meyer"). The Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants respectfully incorporate the discussion above with respect to the deficiencies of the primary combination of Kazunobu and Voisin. The Applicants maintain that the teachings of Meyer are not sufficient to remedy the noted deficiencies of Kazunobu and Voisin. Accordingly, the Applicants submit that claims 36-39 are allowable over proposed combination of Kazunobu, Voisin and Meyers and request that this rejection be reconsidered and withdrawn accordingly.

Claims 41-46 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kazunobu in view of Meyer. The Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants respectfully incorporate the discussion above with respect to the deficiencies of the primary reference Kazunobu. The Applicants maintain that the teachings of Meyer are not sufficient to remedy the noted deficiencies of Kazunobu with respect to the recited claims. The Applicants contend that the argument that Meyer's claim with regard to avoiding "damaging, prolonged and excessive" temperatures relates to the cooling achieved as the pressure is released during the repeated pressurization/depressurization cycles. Meyer's, col. 7, lines 9-32. The Applicants note that the abstract of Kazunobu suggests, conversely, that if cooling is desired, both the material being treated and the hydraulic medium should be precooled. The Applicants contend, therefore, that sufficient motivation for one of ordinary skill to make the proposed combination has not been identified and request that this rejection be reconsidered and withdrawn accordingly.

Claims 49-51 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kazunobu in view of Meyer and further in view of Kazuo's JP 2-182157 ("Kazuo"). The Applicants respectfully traverse this rejection for the reasons detailed below.

The Applicants respectfully incorporate the discussion above with respect to the deficiencies of the primary combination Kazunobu and Meyers. The Applicants maintain that the teachings of Kazuo are not sufficient to remedy the noted deficiencies of the combination of Kazunobu and Meyers with respect to the recited claims. In particular, the Applicants contend that the "recycling" of the pressure medium by Kazuo is not sufficient, singly or in combination with Kazunobu and/or Meyers, to lead one of ordinary skill in the art to the invention recited in the pending claims. The Applicants, therefore, request that this rejection be reconsidered and withdrawn accordingly.

The Applicants also contend that none of the applied references teach or suggest the use of selected pressure media entry ports for allowing pressure media to flow into the product carrier, as recited in claims 41, 44 and 49, respectively. Accordingly, the Applicants maintain that these claims, and the claims that depend therefrom, are allowable over the applied references.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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